



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**January 14, 2011**

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House Study Bill 10 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act concerning the retention of funds due to contractors on  
2 public improvements.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1054HC (4) 84  
je/sc



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H.F. \_\_\_\_\_

1 Section 1. Section 573.15, Code 2011, is amended to read as  
2 follows:

3 **573.15 Exception.**

4 1. No A part of the unpaid fund due the contractor shall  
5 not be retained as provided in this chapter on claims for labor  
6 performed or material furnished, other than materials labor  
7 or material ordered by the general contractor or the general  
8 contractor's authorized agent, unless such claims are supported  
9 by a certified statement that the person performing the labor  
10 or furnishing the material for which the claim is made has done  
11 all of the following:

12 a. Provided the general contractor had been notified with  
13 written notice within thirty days after the materials are  
14 furnished or by itemized invoices rendered to contractor during  
15 the progress of the work, of the amount, kind, and value of the  
16 material furnished for use upon the said public improvement,  
17 and no of first performing the labor or furnishing the material  
18 for which a claim may be made of the name, mailing address,  
19 and telephone number of the person performing the labor or  
20 furnishing the material and the name of the person for whom the  
21 labor was performed or to whom the material was furnished. The  
22 written notice shall be accompanied with copies of all purchase  
23 orders, contracts, or subcontracts under which the labor was  
24 performed or the material was furnished.

25 b. Provided the general contractor by written notice  
26 within five days following the end of any month during which  
27 that person performed labor for or furnished material to a  
28 subcontractor on that project of the number of invoices or pay  
29 requests the person submitted to the subcontractor during that  
30 month, the invoice or pay request numbers identifying those  
31 invoices or pay requests, and the total dollar amount of those  
32 invoices or pay requests.

33 2. The certified statement shall be accompanied by copies  
34 of the notices required by subsection 1, paragraphs "a" and  
35 "b". A public corporation shall not retain any part of such the

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1 unpaid fund due the contractor ~~shall be retained~~ as provided in  
2 this chapter because of the commencement of any action by the  
3 contractor against the state department of transportation under  
4 authority granted in section 613.11.

5 EXPLANATION

6 Current law provides an exception to the requirement that a  
7 public corporation retain a portion of funds due a contractor  
8 on a public improvement project in a fund for the payment  
9 of claims for materials furnished and labor performed. The  
10 exception provides that a public corporation need only retain  
11 funds due a supplier of material to a general contractor if  
12 the supplier provides the general contractor with one of two  
13 permitted types of notice after the materials are supplied.

14 This bill provides that the exception shall apply to both  
15 claims for labor and claims for material. The bill also amends  
16 the notice requirement to provide that a supplier of labor  
17 or material to a general contractor must give both types of  
18 notice for the exception to apply. The bill makes certain  
19 modifications to the two types of notice.



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House Study Bill 11 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act relating to the placement of a juvenile on youthful  
2 offender status in district court.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1594HC (2) 84  
jm/rj



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H.F. \_\_\_\_\_

1 Section 1. Section 232.8, subsection 3, paragraph a, Code  
2 2011, is amended to read as follows:

3 a. The juvenile court, after a hearing and in accordance  
4 with the provisions of section 232.45, may waive jurisdiction  
5 of a child alleged to have committed a public offense so  
6 that the child may be prosecuted as an adult or youthful  
7 offender for such offense in another court. If the child,  
8 ~~except a child being prosecuted as a youthful offender,~~ pleads  
9 guilty or is found guilty of a public offense other than a  
10 class "A" felony in another court of this state, that court  
11 may suspend the sentence or, with the consent of the child,  
12 defer judgment and without regard to restrictions placed upon  
13 deferred judgments for adults, place the child on probation for  
14 a period of not less than one year upon such conditions as it  
15 may require. Upon fulfillment of the conditions of probation,  
16 a child who receives a deferred judgment shall be discharged  
17 without entry of judgment.

18 Sec. 2. Section 232.45, subsection 7, paragraph a,  
19 subparagraph (1), Code 2011, is amended to read as follows:

20 (1) The child is thirteen, fourteen, or fifteen years of age  
21 ~~or younger~~.

22 Sec. 3. Section 232.50, subsection 1, Code 2011, is amended  
23 to read as follows:

24 1. As soon as practicable following the entry of an order  
25 of adjudication pursuant to section 232.47 or notification  
26 that the child has received a youthful offender ~~deferred~~  
27 sentence pursuant to section 907.3A, the court shall hold a  
28 dispositional hearing in order to determine what disposition  
29 should be made of the matter.

30 Sec. 4. Section 232.52, subsection 1, Code 2011, is amended  
31 to read as follows:

32 1. Pursuant to a hearing as provided in section 232.50, the  
33 court shall enter the least restrictive dispositional order  
34 appropriate in view of the seriousness of the delinquent act,  
35 the child's culpability as indicated by the circumstances of

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1 the particular case, the age of the child, the child's prior  
2 record, or the fact that the child has received a youthful  
3 offender ~~deferred~~ sentence under section 907.3A. The order  
4 shall specify the duration and the nature of the disposition,  
5 including the type of residence or confinement ordered and the  
6 individual, agency, department, or facility in whom custody is  
7 vested. In the case of a child who has received a youthful  
8 offender ~~deferred~~ sentence, the initial duration of the  
9 dispositional order shall be until the child reaches the age  
10 of eighteen.

11 Sec. 5. Section 232.54, subsection 1, paragraph g, Code  
12 2011, is amended to read as follows:

13 g. With respect to a juvenile court dispositional order  
14 entered regarding a child who has received a youthful offender  
15 ~~deferred~~ sentence under section 907.3A, the dispositional  
16 order may be terminated prior to the child reaching the age  
17 of eighteen upon motion of the child, the person or agency to  
18 whom custody of the child has been transferred, or the county  
19 attorney following a hearing before the juvenile court if it  
20 is shown by clear and convincing evidence that it is in the  
21 best interests of the child and the community to terminate  
22 the order. The hearing may be waived if all parties to the  
23 proceeding agree. The dispositional order regarding a child  
24 who has received a youthful offender ~~deferred~~ sentence may  
25 also be terminated prior to the child reaching the age of  
26 eighteen upon motion of the county attorney, if the waiver of  
27 the child to district court was conditioned upon the terms of  
28 an agreement between the county attorney and the child, and  
29 the child violates the terms of the agreement after the waiver  
30 order has been entered. The district court shall discharge the  
31 child's youthful offender status upon receiving a termination  
32 order under this section.

33 Sec. 6. Section 232.54, subsection 1, paragraph h,  
34 unnumbered paragraph 1, Code 2011, is amended to read as  
35 follows:

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1 With respect to a dispositional order entered regarding a  
2 child who has received a youthful offender ~~deferred~~ sentence  
3 under section 907.3A, the juvenile court may, in the case of a  
4 child who violates the terms of the order, modify or terminate  
5 the order in accordance with the following:

6 Sec. 7. Section 232.55, subsection 3, Code 2011, is amended  
7 to read as follows:

8 3. This section does not apply to dispositional orders  
9 entered regarding a child who has received a youthful offender  
10 ~~deferred~~ sentence under section 907.3A who is not discharged  
11 from probation before or upon the child's eighteenth birthday.

12 Sec. 8. Section 232.56, Code 2011, is amended to read as  
13 follows:

14 **232.56 Youthful offenders — transfer to district court**  
15 **supervision.**

16 The juvenile court shall deliver a report, which includes  
17 an assessment of the child by a juvenile court officer  
18 after consulting with the judicial district department of  
19 correctional services, to the district court prior to the  
20 eighteenth birthday of a child who has received a youthful  
21 offender ~~deferred~~ sentence under section 907.3A. A hearing  
22 shall be held in the district court in accordance with section  
23 907.3A to determine whether the child should be discharged from  
24 youthful offender status or whether the child shall continue  
25 under the supervision of the district court after the child's  
26 eighteenth birthday.

27 Sec. 9. Section 907.3A, subsection 1, Code 2011, is amended  
28 to read as follows:

29 1. Notwithstanding section 907.3 but subject to any  
30 conditions of the waiver order, the trial court shall, upon a  
31 plea of guilty or a verdict of guilty, defer judgment or defer  
32 sentence of a youthful offender over whom the juvenile court  
33 has waived jurisdiction pursuant to section 232.45, subsection  
34 7, and place the juvenile on youthful offender status. The  
35 court shall transfer supervision of the youthful offender to

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1 the juvenile court for disposition in accordance with section  
2 232.52. The court shall require supervision of the youthful  
3 offender in accordance with section 232.54, subsection 1,  
4 paragraph "h", or subsection 2 of this section. Notwithstanding  
5 section 901.2, a presentence investigation shall not be  
6 ordered by the court subsequent to an entry of a plea of guilty  
7 or verdict of guilty or prior to deferral of sentence of a  
8 youthful offender under this section.

9 Sec. 10. Section 907.3A, subsection 3, Code 2011, is amended  
10 to read as follows:

11 3. Notwithstanding any provision of the Code which  
12 prescribes a mandatory minimum sentence for the offense  
13 committed by the youthful offender, following transfer of the  
14 youthful offender from the juvenile court back to the court  
15 having jurisdiction over the criminal proceedings involving the  
16 youthful offender, the court may continue the youthful offender  
17 ~~deferred~~ sentence or enter a sentence, which may be a suspended  
18 sentence. Notwithstanding anything in section 907.7 to the  
19 contrary, if the district court either continues the youthful  
20 offender ~~deferred~~ sentence or enters a sentence, suspends the  
21 sentence, and places the youthful offender on probation, the  
22 term of formal supervision shall commence upon entry of the  
23 order by the district court and may continue for a period not  
24 to exceed five years. If the district court enters a sentence  
25 of confinement, and the youthful offender was previously placed  
26 in secure confinement by the juvenile court under the terms  
27 of the initial disposition order or any modification to the  
28 initial disposition order, the person shall receive credit for  
29 any time spent in secure confinement. During any period of  
30 probation imposed by the district court, a youthful offender  
31 who violates the terms of probation is subject to section  
32 908.11.

33 EXPLANATION

34 This bill relates to the placement of a juvenile on youthful  
35 offender status in district court.

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1 The bill specifies that a juvenile who is 13, 14, or 15 years  
2 of age is eligible to be prosecuted as a youthful offender.  
3 Current law requires that a juvenile be 15 years of age or  
4 younger in order to be eligible for prosecution as a youthful  
5 offender.

6 A youthful offender is a juvenile who is prosecuted in  
7 district court but is supervised in juvenile court until the  
8 age of 18. Upon the youthful offender attaining the age of 18,  
9 the district court has discretion to discharge the sentence or  
10 continue supervision of the youthful offender in district court  
11 as provided Code section 907.3A.

12 The bill also allows the district court to defer judgment  
13 of a juvenile who has been waived to district court pursuant  
14 to Code section 232.45, subsection 7, for prosecution as a  
15 youthful offender. Current law only allows the district court  
16 to defer the sentence of a juvenile who has been waived to  
17 district court pursuant to Code section 232.45, subsection 7,  
18 for prosecution as a youthful offender.

19 A "deferred judgment" means a sentencing option where the  
20 adjudication of guilt and the imposition of a sentence are  
21 deferred by the court. However, the court retains the power  
22 to pronounce judgment and impose sentence subject to the  
23 defendant's compliance with conditions set by the court as a  
24 requirement of the deferred judgment.

25 A "deferred sentence" means a sentencing option where the  
26 court enters an adjudication of guilt but does not impose a  
27 sentence. The court does retain the power to sentence the  
28 defendant to any sentence it originally could have imposed  
29 subject to the defendant's compliance with conditions set by  
30 the court as a requirement of the deferred sentence.



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House Study Bill 12 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act relating to the waiting period before the granting of a  
2 decree dissolving a marriage.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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H.F. \_\_\_\_\_

1 Section 1. Section 598.19, Code 2011, is amended to read as  
2 follows:

3 **598.19 Waiting period before decree.**

4 1. No A decree dissolving a marriage shall not be granted  
5 in any proceeding before ninety days shall have elapsed from  
6 the day the original notice is served, or from the last  
7 day of publication of notice, or from the date that waiver  
8 or acceptance of original notice is filed or until after  
9 conciliation is completed, whichever period shall be longer.

10 ~~However,~~

11 2. Notwithstanding subsection 1, the court may in its  
12 discretion, on hold a hearing and grant a decree dissolving  
13 the marriage prior to the expiration of the applicable period,  
14 provided that the notice requirements have been met and any of  
15 the following conditions is met:

16 a. On the agreement of the parties.

17 b. On written motion supported by affidavit setting forth  
18 grounds of emergency or necessity and facts which satisfy the  
19 court that immediate action is warranted or required to protect  
20 the substantive rights or interests of any party or person who  
21 might be affected by the decree, hold a hearing and grant a  
22 decree dissolving the marriage prior to the expiration of the  
23 applicable period, provided that requirements of notice have  
24 been complied with. In such case the grounds of emergency or  
25 necessity and the facts with respect ~~thereto~~ to the grounds  
26 shall be recited in the decree unless otherwise ordered by the  
27 court.

28 3. The court may enter an order finding the respondent in  
29 default and waiving conciliation when the respondent has failed  
30 to file an appearance within the time set forth in the original  
31 notice.

32 EXPLANATION

33 This bill provides an additional basis for waiver of the  
34 requirement of the elapsing of a 90-day waiting period prior  
35 to the granting of a dissolution decree. In addition to the

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1 existing basis of emergency or necessity, under the bill the  
2 court may, in its discretion, hold a hearing and grant a  
3 dissolution decree prior to the elapsing of the 90-day waiting  
4 period on agreement of the parties.



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House Study Bill 4 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act relating to the control of marijuana, including an  
2 effective date provision, and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1254HC (9) 84  
jm/nh



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H.F. \_\_\_\_\_

1 Section 1. Section 124.204, subsection 4, paragraph m, Code  
2 2011, is amended to read as follows:

3 *m. Marijuana, except as otherwise provided by rules of the*  
4 *board for medicinal purposes.*

5 Sec. 2. Section 124.204, subsection 4, paragraph u,  
6 unnumbered paragraph 1, Code 2011, is amended to read as  
7 follows:

8 *Tetrahydrocannabinols, except as otherwise provided*  
9 *by rules of the board for medicinal purposes,* meaning  
10 tetrahydrocannabinols naturally contained in a plant of  
11 the genus Cannabis (Cannabis plant) as well as synthetic  
12 equivalents of the substances contained in the Cannabis plant,  
13 or in the resinous extractives of such plant, and synthetic  
14 substances, derivatives, and their isomers with similar  
15 chemical structure and pharmacological activity to those  
16 substances contained in the plant, such as the following:

17 Sec. 3. Section 124.204, subsection 7, Code 2011, is amended  
18 by striking the subsection.

19 Sec. 4. Section 124.206, subsection 7, Code 2011, is amended  
20 to read as follows:

21 7. *Hallucinogenic substances.* Unless specifically excepted  
22 or unless listed in another schedule, any material, compound,  
23 mixture, or preparation which contains any quantity of the  
24 ~~following substances:~~

25 ~~a. Marijuana when used for medicinal purposes pursuant to~~  
26 ~~rules of the board.~~

27 ~~b. Nabilone~~ nabilone [another name for nabilone:  
28 (+-) - trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-  
29 hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one].

30 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
31 immediate importance, takes effect upon enactment.

32 EXPLANATION

33 This bill relates to the control of marijuana.

34 Under the bill, all types of marijuana and  
35 tetrahydrocannabinols are classified as schedule I controlled

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1 substances. The bill eliminates a provision classifying  
2 marijuana used for medicinal purposes, pursuant to rules of the  
3 board of pharmacy, as a schedule II controlled substance.

4 The bill strikes references to the authority of the board  
5 to establish rules relating to the medicinal use of marijuana  
6 including tetrahydrocannabinols naturally contained in a  
7 cannabis plant.

8 A schedule I controlled substance is a highly addictive  
9 substance that has no accepted medical use in the United States  
10 and a schedule II controlled substance is a highly addictive  
11 substance that has an accepted medical use in the United  
12 States.

13 The penalties for possessing, manufacturing, delivering,  
14 or possessing with intent to deliver marijuana including  
15 tetrahydrocannabinols range from a serious misdemeanor to a  
16 50-year class "B" felony depending on the amount of marijuana  
17 or tetrahydrocannabinols involved in the offense.

18 A serious misdemeanor is punishable by confinement for no  
19 more than one year and a fine of at least \$315 but not more than  
20 \$1,875. An aggravated misdemeanor is punishable by confinement  
21 for no more than two years and a fine of at least \$625 but  
22 not more than \$6,250. A class "D" felony is punishable by  
23 confinement for no more than five years and a fine of at  
24 least \$750 but not more than \$7,500. A class "C" felony is  
25 punishable by confinement for no more than 10 years and a fine  
26 of at least \$1,000 but not more than \$10,000. A class "B"  
27 felony is normally punishable by confinement for no more than  
28 25 years. A 50-year class "B" felony or sometimes referred to  
29 as a "super B" felony is punishable by confinement for no more  
30 than 50 years.

31 The bill takes effect upon enactment.





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House Study Bill 5 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act adding hallucinogenic substances to the list of schedule  
2 I controlled substances, providing penalties, and including  
3 an effective date provision.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1253HC (6) 84  
jm/nh



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H.F. \_\_\_\_\_

1 Section 1. Section 124.204, subsection 4, Code 2011, is  
2 amended by adding the following new paragraphs:  
3 NEW PARAGRAPH. *ai.* Salvia divinorum.  
4 NEW PARAGRAPH. *aj.* Salvinorin A.  
5 NEW PARAGRAPH. *ak.* Any substance, compound, mixture or  
6 preparation which contains any quantity of any synthetic  
7 cannabinoid that is not approved as a pharmaceutical, including  
8 but not limited to the following:  
9 (1) CP 47, 497 and homologues 2-[(IR, 3S)-3-  
10 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol).  
11 (2) HU-210[(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-  
12 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]  
13 chromen-1-ol)].  
14 (3) HU-211(dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-  
15 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]  
16 chromen-1-ol).  
17 (4) JWH-018 1-Pentyl-3-(1-naphthoyl)indole.  
18 (5) JWH-073 1-Butyl-3-(1-naphthoyl)indole.

19 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
20 immediate importance, takes effect upon enactment.

21 EXPLANATION

22 This bill adds hallucinogenic substances to the list of  
23 schedule I controlled substances.

24 The bill adds "salvia divinorum" and "salvinorin A", also  
25 known as "divinorin A", to the list of schedule I controlled  
26 substances.

27 The bill adds certain synthetic cannabinoids, also known  
28 as "K2", to the list of schedule I controlled substances in  
29 addition to the tetrahydrocannabinols and synthetic equivalents  
30 listed in schedule I under Code section 124.204(4)(u).

31 A schedule I controlled substance is considered to have a  
32 high potential for abuse and no medical purpose in treatment in  
33 the United States.

34 The bill makes it a class "C" felony pursuant to Code  
35 section 124.401, subsection 1, paragraph c, subparagraph

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1 (8), for any unauthorized person to manufacture, deliver, or  
2 possess with the intent to manufacture or deliver, salvia  
3 divinorum, salvinorin A, or a synthic cannabinoid, including  
4 its counterfeit or a simulated form, or to act with, enter into  
5 a common scheme or design with, or conspire with one or more  
6 other persons to manufacture, deliver, or possess with the  
7 intent to manufacture or deliver salvia divinorum, salvinorin  
8 A, or a synthetic cannabinoid.

9 The bill also makes it a serious misdemeanor pursuant to  
10 Code section 124.401, subsection 5, for any unauthorized person  
11 to possess salvia divinorum, salvinorin A, or a synthetic  
12 cannabinoid.

13 A class "C" felony is punishable by confinement for no more  
14 than 10 years and a fine of at least \$1,000 but not more than  
15 \$10,000. A serious misdemeanor is punishable by confinement  
16 for no more than one year and a fine of at least \$315 but not  
17 more than \$1,875.

18 The bill takes effect upon enactment.



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House Study Bill 6 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act relating to the release and satisfaction of judgments.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1049HC (4) 84  
rh/nh



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H.F. \_\_\_\_\_

1 Section 1. Section 624.23, subsection 2, paragraph c, Code  
2 2011, is amended to read as follows:

3 c. A party serving a written demand under this subsection  
4 may obtain an immediate court order releasing the claimed lien  
5 by posting with the clerk of court a cash bond in an amount of  
6 at least one hundred twenty-five percent of the outstanding  
7 balance owed on the judgment. The court may order that in  
8 lieu of posting the bond with the clerk of court, the bond  
9 may be deposited in either the trust account of an attorney  
10 licensed to practice law in this state or in a federally  
11 insured depository institution, along with the restriction that  
12 the bond not be disbursed except as the court may direct. A  
13 copy of the court order shall be served along with a written  
14 demand under this subsection. Thereafter, any execution on  
15 the judgment shall be against the bond, subject to all claims  
16 and defenses which the moving party had against the execution  
17 against the real estate, including but not limited to a lack  
18 of equity in the property to support the lien in its proper  
19 priority. The bond shall be released by the clerk of court  
20 upon demand of its principal or surety if no execution is  
21 ordered on the judgment within thirty days of completion of  
22 service of the written demand under this subsection.

23 Sec. 2. Section 624.37, Code 2011, is amended to read as  
24 follows:

25 **624.37 Satisfaction of judgment — penalty.**

26 1. When the amount due upon judgment is paid off, or  
27 satisfied in full, the party entitled to the proceeds thereof,  
28 or those acting for that party, must acknowledge satisfaction  
29 of the judgment by the execution of an instrument referring to  
30 it, duly acknowledged or notarized in the manner prescribed  
31 in chapter 9E, and filed in the office of the clerk in every  
32 county wherein the judgment is a lien. A failure to do so  
33 acknowledge satisfaction of the judgment in such manner  
34 within thirty days after having been requested to do so in  
35 a writing containing a draft release of the judgment shall

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1 subject the delinquent party to a penalty of ~~one~~ four hundred  
2 dollars ~~plus reasonable attorney fees incurred by the party~~  
3 ~~aggrieved, to be recovered in an action for the satisfaction~~  
4 ~~or acknowledgment by the party aggrieved~~ by a motion filed by  
5 the judgment debtor in the court that rendered the original  
6 judgment requesting that the judgment debtor be subrogated to  
7 the rights of the judgment creditor, that the court determine  
8 the amount currently owed on the judgment, or any other relief  
9 as may be necessary to accomplish payment and satisfaction of  
10 the judgment. If the motion relates to a lien of judgment as to  
11 specific property, the motion may be filed by a person with an  
12 interest in the property.

13 2. Upon the filing of an affidavit to the motion that  
14 a judgment creditor cannot be located or is unresponsive  
15 to requests to accept payment within the thirty-day period  
16 described in subsection 1, payment upon a judgment may be  
17 made to the treasurer of state as provided in chapter 556 and  
18 the treasurer's receipt for the funds is conclusive proof of  
19 payment on the judgment.

20 Sec. 3. Section 631.1, Code 2011, is amended by adding the  
21 following new subsection:

22 NEW SUBSECTION. 8. The district court sitting in small  
23 claims has concurrent jurisdiction of motions and orders  
24 relating to releases of judgments in whole or in part including  
25 motions and orders under section 624.23, subsection 2,  
26 paragraph "c" and section 624.37, where the amount owing on  
27 the judgment, including interests and costs, is five thousand  
28 dollars or less.

29 EXPLANATION

30 This bill relates to the release and satisfaction of  
31 judgments.

32 Current law provides that a party serving a written demand  
33 on a judgment lien against a homestead may obtain an immediate  
34 court order releasing the claimed lien by posting a cash bond  
35 with the clerk of court. The bill provides that the court



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1 may order that, in lieu of posting the bond with the clerk of  
2 court, the bond may be deposited in either the trust account  
3 of an attorney licensed to practice law in this state or in  
4 a federally insured depository institution, along with the  
5 restriction that the bond not be disbursed except as the court  
6 may direct.

7 Current law provides that when the amount due on a judgment  
8 is paid off or satisfied in full, the judgment creditor must  
9 acknowledge satisfaction of the judgment by executing and  
10 filing an instrument with the clerk of court in every county  
11 where the judgment is a lien. Failure to do so within 30  
12 days subjects the judgment creditor to a penalty of \$100 plus  
13 reasonable attorney fees. The bill amends this law to provide  
14 that the judgment creditor may instead have the instrument  
15 acknowledging satisfaction of the debt notarized in the manner  
16 prescribed in Code chapter 9E. The bill increases the penalty  
17 for failing to acknowledge the satisfaction of the debt in  
18 such a manner to \$400 but eliminates the recovery of attorney  
19 fees. The bill provides that the penalty may be recovered by a  
20 motion filed by the judgment debtor in the court that rendered  
21 the original judgment requesting that the judgment debtor be  
22 subrogated to the rights of the judgment creditor, that the  
23 court determine the amount currently owed on the judgment, or  
24 any other relief as may be necessary to accomplish payment and  
25 satisfaction of the judgment. If the motion relates to a lien  
26 of judgment as to specific property, the motion may be filed by  
27 a person with an interest in the property.

28 The bill also provides that upon the filing of an affidavit  
29 that a judgment creditor cannot be located or is unresponsive  
30 to requests to accept payment, payment upon a judgment may be  
31 made to the treasurer of state as provided in Code chapter 556  
32 and the treasurer's receipt for the funds is conclusive proof  
33 of payment on the judgment.

34 The bill provides that the district court sitting in small  
35 claims has concurrent jurisdiction of motions and orders



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1 relating to releases of judgments where the amount owing on the  
2 judgment, including interests and costs, is \$5,000 or less.





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House Study Bill 7 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act relating to mental health and substance abuse histories  
2 conducted in a presentence investigation report and the  
3 standards for release on probation in a criminal proceeding.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1046HC (2) 84  
jm/nh



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1 Section 1. Section 901.3, subsection 1, Code 2011, is  
2 amended to read as follows:

3 1. The defendant's characteristics, family and financial  
4 circumstances, needs, and potentialities, ~~including the~~  
5 ~~presence of any previously diagnosed mental disorder.~~

6 Sec. 2. Section 901.3, Code 2011, is amended by adding the  
7 following new subsections:

8 NEW SUBSECTION. 2A. The defendant's mental health history  
9 and treatment options available in the defendant's community  
10 and the correctional system.

11 NEW SUBSECTION. 2B. The defendant's substance abuse  
12 history and treatment options available in the defendant's  
13 community and the correctional system.

14 Sec. 3. Section 907.5, Code 2011, is amended to read as  
15 follows:

16 **907.5 Standards for release on probation — written reasons.**

17 Before deferring judgment, deferring sentence, or suspending  
18 sentence, the court first shall determine which option,  
19 if available, will provide maximum opportunity for the  
20 rehabilitation of the defendant and protection of the community  
21 from further offenses by the defendant and others. In making  
22 this determination, the court shall consider the age of the  
23 defendant; the defendant's prior record of convictions and  
24 prior record of deferments of judgment if any; the defendant's  
25 employment circumstances; the defendant's family circumstances;  
26 the defendant's mental health and substance abuse history  
27 and treatment options available in the community and the  
28 correctional system; the nature of the offense committed; and  
29 such other factors as are appropriate. The court shall file  
30 a specific written statement of its reasons for and the facts  
31 supporting its decision to defer judgment, to defer sentence,  
32 or to suspend sentence, and its decision on the length of  
33 probation.

34 EXPLANATION

35 This bill relates to mental health and substance abuse

LSB 1046HC (2) 84

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1 histories conducted in a presentence investigation report  
2 and the standards for release on probation in a criminal  
3 proceeding.

4 The bill provides that the judicial district department of  
5 correctional services conducting a presentence investigation  
6 shall include in the report the defendant's mental health and  
7 substance abuse history and the treatment options available to  
8 the defendant in the community and the correctional system.

9 The bill also requires the court prior to deferring  
10 judgment, deferring sentence, or suspending sentence, to  
11 consider the mental health or substance abuse history of a  
12 defendant and the treatment options available to the defendant  
13 in the community and the correctional system.

14 A presentence investigation report details the background of  
15 a defendant and is reviewed by the court prior to sentencing a  
16 criminal defendant.



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House Study Bill 8 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act relating to the foreclosure of a real estate mortgage.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1578HC (4) 84  
rh/sc



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1 Section 1. Section 654.5, subsection 2, Code 2011, is  
2 amended to read as follows:  
3 2. a. A special execution shall issue under such conditions  
4 as the decree may prescribe, and the sale under the special  
5 execution is subject to redemption as in cases of sale under  
6 general execution unless the plaintiff has elected foreclosure  
7 without redemption under section 654.20.  
8 b. A successful bidder at the sale who is not affiliated  
9 with the judgment creditor may elect to receive, in lieu  
10 of a sheriff's deed or sheriff's certificate of sale, an  
11 assignment without recourse by operation of law of all of the  
12 judgment creditor's interest in the judgment, the underlying  
13 indebtedness, and any policies of title, property, and any  
14 other similar insurance or guaranty owned by the judgment  
15 creditor relating to the affected property. Except for a sale  
16 that is subject to redemption, an assignment under this section  
17 shall bar junior interests in the property as if an assignment  
18 had not been elected. If the sale is subject to redemption,  
19 the period to redeem shall commence on the date of the sale  
20 resulting in the assignment.

21 EXPLANATION

22 This bill relates to the foreclosure of a real estate  
23 mortgage.

24 Current law relating to foreclosure with redemption provides  
25 a statutory right of redemption to the debtor of the foreclosed  
26 property which allows the debtor to reclaim the debtor's  
27 foreclosed property by making payment in full of the unpaid  
28 loan plus costs (Code section 628.3). This right of redemption  
29 also applies to creditors, under some circumstances, if the  
30 debtor does not exercise the debtor's right to redeem (Code  
31 sections 628.5 and 628.8). Once the redemption period expires  
32 (generally, one year from the day of the sale) without a  
33 party redeeming the property, the purchaser is entitled to a  
34 sheriff's deed which conveys title only as it existed when the  
35 mortgage was executed.

LSB 1578HC (4) 84  
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1     This bill allows a successful bidder at a sheriff's sale  
2 who is not affiliated with the judgment creditor to elect to  
3 receive, in lieu of a sheriff's deed or sheriff's certificate  
4 of sale, an assignment of all of the judgment creditor's  
5 interest in the judgment, the underlying indebtedness, and any  
6 policies of title, property, and any other similar insurance  
7 or guaranty owned by the judgment creditor relating to the  
8 affected property. Except for a sale that is subject to  
9 redemption, an assignment under the bill bars junior interests  
10 in the property as if an assignment had not been elected. If  
11 the sale is subject to redemption, the period to redeem begins  
12 on the date of the sale resulting in the assignment.



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House Study Bill 9 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON ANDERSON)

A BILL FOR

- 1 An Act modifying the definition of assault.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1048HC (5) 84  
jm/nh



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H.F. \_\_\_\_\_

1 Section 1. Section 708.1, subsections 1 and 2, Code 2011,  
2 are amended to read as follows:

3 1. Any voluntary act which ~~is intended~~ a reasonable person  
4 would expect to cause pain or injury to, or which ~~is intended~~ a  
5 reasonable person would expect to result in physical contact  
6 which will be insulting or offensive to another, coupled with  
7 the apparent ability to execute the act.

8 2. Any voluntary act which ~~is intended~~ a reasonable person  
9 would expect to place another in fear of immediate physical  
10 contact which will be painful, injurious, insulting, or  
11 offensive, coupled with the apparent ability to execute the  
12 act.

13 EXPLANATION

14 This bill modifies the definition of assault. Under  
15 the bill, an assault is defined as any voluntary act which  
16 a reasonable person would expect to cause pain or injury  
17 to, or which a reasonable person would expect to result in  
18 physical contact which will be insulting or offensive to  
19 another, coupled with the apparent ability to execute the act.  
20 Currently, assault is defined as such acts which are intended  
21 to cause pain or injury or to result in such physical contact.

22 Under the bill, an assault is also defined as any voluntary  
23 act which a reasonable person would expect to place another  
24 in fear of immediate physical contact which will be painful,  
25 injurious, insulting, or offensive, coupled with the apparent  
26 ability to execute the act. Currently, such assault is defined  
27 as such an act which is intended to place another in such fear.

28 The changes in the bill are in response to Iowa supreme court  
29 cases State v. Heard, 636 N.W.2d 227 (Iowa 2001) and State v.  
30 Bedard, 668 N.W.2d 598 (Iowa 2003).